

# *The Rulings*

*Pertaining To Looking At A Woman For A*

# *Marriage Proposal*



*By Sh. Samīr b. Amīn al-Zuhayrī  
Translated by Salal Ahmed Haque*

# **THE RULINGS PERTAINING TO LOOKING AT A WOMAN FOR A MARRIAGE PROPOSAL**

By Sh. Samīr b. Amīn al-Zuhayrī

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## Translator's Introduction

In the Name of Allāh, all praise is due to Him, may the peace and blessings be upon the Messenger of Allāh.

What is presently before the reader is a translation of a juridical treatise authored by the ḥadīth researcher Sh. Samīr b. Amīn al-Zuhayrī entitled in Arabic *al-Aḥkām al-Maṭlūbah fī Ru'yat al-Makhtūbah*<sup>1</sup>. The author deals with the critical issue of looking at the courted woman and the ensuing legislated rulings by examining the authentic traditions related to the topic and, more importantly from a hermeneutical point of view, the manner in which some of the Companions of the Prophet understood and implemented them. Thus, a clear picture of the issue is presented.

In structuring the booklet the author begins by reminding the reader of the importance of safeguarding one's sight from misuse via indulgence in forbidden matters. He then moves on to mention seven authentic Sunnic evidences which he believes substantiates the view that it is recommended for one to look at the courted woman. Some of the Companions who applied these traditions are mentioned thereafter which raises a number of questions he attempts to answer subsequently such as whether the woman has to know that one is looking at her, what the proposer can actually see of her, how the viewing is accomplished and if there is a limited number of times one can look. He concludes the treatise by mentioning a number of benefits that come as a result of being able to look at the courted woman before marriage.

I have translated the words of the Shaykh as idiomatically as possible and have gone further by adding apposite annotations of a biographical and juridical nature gleaned from disparate classical sources throughout the booklet in order to satisfy the thirst of the more interested reader. In cases where the author omitted the numbering of a ḥadīth for reasons of parsimony, I have attempted to locate and provide them in the relevant footnote<sup>2</sup>. All such footnotes from me have been marked as [TN]. Additionally in the next section I have provided a brief biography of the Shaykh to familiarise the reader with his educational background and area of expertise.

It is hoped this short work will benefit those brothers and sisters desiring to follow the fundamental sources of Islām through the framework of the understanding and application of the Companions. More specifically, I hope this effort helps to dispel any doubts concerning the issue at hand. All that remains to be said is that whatever is found herein to be correct is from Allāh the Mighty and Exalted and any mistakes are from my imperfect self and the accursed shaytān.

Written by the one in eternal need of Allāh's mercy

Salal Ahmed Haque

Completed on Tuesday, 9<sup>th</sup> Ramaḍān 1432AH/ 9<sup>th</sup> August 2011 CE.

<sup>1</sup> Al-Zuhayrī, Samīr b. Amīn (1411), *al-Aḥkām al-Maṭlūbah fī Ru'yat al-Makhtūbah*. Cairo: Maktabat al-Tawhīd. [TN]

<sup>2</sup> Due to a lack of a bibliography by the author I have left his footnotes and referencing as they occur in the original Arabic. Any referencing by the translator is provided in full. [TN]

## **Biography of the Author<sup>3</sup>**

### **Name**

Samīr b. Amīn b. al-Mandūh al-Zuhayrī al-Manṣūrī al-Salafī al-Atharī.

### **Teachers**

His most prominent teacher was Muḥammad Nāṣir al-Dīn al-Albānī with whom he seems to have been closely associated as we find al-Albānī referring to al-Zuhayrī as ‘the noble brother’ when referring the readers to a book Sh. Al-Zuhayrī had written defending the Shaykh against Sh. Ismā’īl al-Anṣārī.<sup>4</sup>

He travelled to ’Ammān in the year 1405AH to gain knowledge from Sh. Al-Albānī by attending his sessions and continued to take knowledge from him until the year 1409 when he decided to travel to Saudi Arabia. He settled in Riyād and remained there for five years and then travelled to be next to the Ḥaram where he stayed for six years. He then returned, once again, to Riyād where he remains to this day.

### **Works**

Sh. Al-Zuhayrī has authored a number of books on different topics. He has also verified some classical works which no student of knowledge can do without. Below is a list of his works:

#### **I. Authored:**

- a. al-Ilmām bi Ḵadāb wa Aḥkām al-Šiyām

A small treatise on the etiquettes and rulings on fasting.

- b. Fath al-Bārī fī Dhabb ‘an al-Albānī wa al-Radd ‘alā Ismā’īl al-Anṣārī

A defence of Imām al-Albānī against his opponent Sh. Ismā’īl al-Anṣārī.

- c. Al-Aḥkām al-Maṭlūbah fī Ru’yat al-Makhtūbah

The translation at hand.

- d. Awḍah al-Bayān fī Ḥukm Safar al-Niswān

A treatise on the ruling concerning women travelling.

- e. Dhamm al-Dunyā

- f. Al-Atqiyā’ wa Fitān al-Nisā’

<sup>3</sup> Taken from: <http://www.ahlalhdeeth.com/vb/archive/index.php/t-5394.html> last accessed: 15.06.11 [TN].

<sup>4</sup> Al-Albānī, Muḥammad Nāṣir al-Dīn (1420/2000) *Silsilah al-Āḥādīth al-Da’īfah wa al-Mawḍū’ah wa Atharuhā al-Sayyi’ fī al-Ummah*. Riyād: Maktabah al-Ma’ārif, vol. 1, pp. 31-32 [TN].

g. Waqafāt ma'a al-Naṣarāt

h. Al-Albānī as a Muḥaddith

**II. Verified:**

a. Nāsikh al-Hadīth wa Mansūkhuh by al-Imām al-Hāfiẓ Abū Ḥafṣ b. Shāhīn

b. Kitāb al-Tawḥīd by Imām Ibn Khuzaymah

c. Kitāb al-Fitan by Imām Abū ‘Abd Allāh Nu’aym b. Ḥammād al-Marwazī

d. Al-Taswiyah bayna ḥaddathanā wa Akhbaranā wa Dhikr al-Ḥujjah fīh by Imām al-Ṭahāwī

e. Kitāb al-Jumu’ah wa Faḍluhā by al-Qāḍī Abū Bakr Aḥmad b. ‘Alī al-Marwazī

f. Bulūgh al-Marām min Adillat al-Aḥkām by al-Hāfiẓ Ibn Ḥajar al-‘Asqalānī

g. Kitāb al-Taṣdīq bi al-Naṣr ilā Allāh Ta’ālā fī al-Ākhirah by Imām Abū Bakr Muḥammad b. Ḥusayn al-Ājurri

h. ‘Umdat al-Aḥkām by Imām ‘Abd al-Ghanī al-Maqdisī

i. ‘Umdat al-Aḥkām al-Kubrā by Imām ‘Abd al-Ghanī al-Maqdisī

i. The original is a Master’s dissertation

## **Author's Introduction**

Indeed all praise is due to Allāh, we praise Him, seek His help and His forgiveness. We seek refuge in Allāh from the evils of ourselves and from the evil consequences of our actions. Whomsoever Allāh guides none can misguide and whomsoever He allows to be misguided none can guide.

I bear witness that there is no deity worthy of worship except Allāh alone without any partner and I bear witness that Muḥammad is His slave and His Messenger.

**“O you who have believed, fear Allāh as He should be feared and do not die except as Muslims”<sup>5</sup>**

**“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh through whom you demand your mutual rights and [respect] the wombs that bore you. Indeed Allāh is ever, over you, an Observer”<sup>6</sup>**

**“O you who have believed, fear Allāh and speak words of appropriate justice. He will amend for you your deeds and forgive your sins. And whoever obeys Allāh and His Messenger has certainly attained a great success”<sup>7</sup>**

To proceed: “Indeed the most truthful speech is the Book of Allāh the Most High and the best guidance is the guidance of Muḥammad ﷺ. The most evil of affairs are newly invented matters and every newly invented matter is a heresy and every heresy is misguidance and every misguidance is in the Fire”.

### **To proceed:**

This is the second part of my book *Clarification of the Sunnah to the Women of this Ummah*.<sup>8</sup> The conditions and boundaries of this important issue have been mentioned in the respected Sharī'ah, it is not appropriate for Muslims to deviate from these conditions and boundaries; this is so they can obtain happiness in this world and the hereafter. However, there are those amongst the Muslims today who turn away from learning the orthodox legislation.

Some of the Muslims of today do not allow the suitor to look at the one he is courting from his daughters either because it is the custom which was handed down from their forefathers or due to being overly cautious and protective. We then find them allowing their daughters to unveil their faces and to dress up in front of the drivers and housekeepers and in front of marriageable persons (non-mahrams) from their cousins and close relatives.

Similarly, there are those fathers who will not only disallow the suitor to even look at his daughter during the meeting but will also prevent him from looking at her even after the marriage contract has been settled and she has become his wife and not even allowing him to see her except until the wedding night!!

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<sup>5</sup> Āl- 'Imrān (3): 102

<sup>6</sup> Al-Nisā' (4): 1

<sup>7</sup> Al-Aḥzāb (33): 70-71

<sup>8</sup> The first part has been published and all praise is due to Allāh under the title: *Awqāf al-Bayān fī Hukm Safar al-Niswān* (The Clearest Exposition on the Ruling of Women Travelling).

As a result of this, tragedy and cases of divorce occur, which could have been prevented if we had adopted the legislation of Allāh the Mighty and Exalted and implemented the Sunnah of the leader of the creation ﷺ.

Then there are those who allow the suitor to see their daughters all dressed up, he allows him to be alone with her and travel with her, and in fact he permits everything in the name of ‘getting to know each other’. He then reaps nothing but regret when the proposal comes to nothing because young men in most instances – even if openly sinful – are not happy for a woman of this kind to be their future wife because he cannot trust her, however he plays with her for a while and then looks for someone else.<sup>9</sup>

Due to these reasons and others, I wrote this treatise to clarify this issue and the Sharīah rulings connected with it and have thus entitled it: *al-Aḥkām al-Maṭlūbah fī Ru'yat al-Makhtūbah* (The Required Rulings for Seeing the Courted Woman). Also, I have used only the sound Sunnah as evidence [in this treatise].

I ask Allāh to popularise its benefit and to enlighten us with the affairs of our religion and that He overlooks our sins for indeed He is the best Guardian and Helper and Allāh is behind the intention.

Samīr b. Amīn al-Zuhayrī

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<sup>9</sup> There is a more recent worrying phenomenon in the West in which the courted woman refuses to show her face to the proposer in a meeting in which her guardians are present. Thus the man sees nothing of the woman except may be her height and gauges her articulateness and level of intelligence while the woman receives both her right to look and converse with the suitor. If this was the preferred method, and of a higher level of piety, the Prophet ﷺ, as we shall see, would not have ordered his Companions ﷺ to look at the women they were intending to marry and the Companions ﷺ, who possessed greater piety and modesty than we ever will, would not have taken extreme measures to implement that advice. Furthermore, this practice also defeats the objectives of the Sharī'ah which the Prophet ﷺ explicitly stated in a number of ḥadīth which are to follow. To illustrate this point, let us contemplate on the fact that looking at a marriageable woman (non-mahram) is prohibited by Allāh for a man because of the gravity of the evils that follow from not restraining one's eyes. Yet, Allāh in His infinite wisdom temporarily allowed something that is normally prohibited for a man (i.e. looking at a non-mahram woman) in the event of a marriage proposal because of the benefits which arise from such a practice. Some of these wisdoms were mentioned by the Prophet ﷺ such as the fact that it induces love between the two parties whilst other benefits are not within our comprehension but due to our faith in implementing the Sunnah we know they exist.

And the best guidance is the guidance of the Messenger of Allāh ﷺ [TN].

# **Chapter 1:**

## **The Command To Guard Our Eyes**

The Mighty and Exalted said:

**“The hearing, the sight and hearts, each of those will be questioned”<sup>10</sup>**

The sight, therefore, is a blessing from Allāh the Mighty and Exalted bestowed upon man so it is obligatory to express gratitude to Allāh for this blessing. From the obligations of this gratitude is to not use this favour in something which Allāh the Mighty and Exalted has proscribed.

Accordingly, Allāh the Mighty and Exalted states in His Book:

**“Tell the believing men to lower their gazes<sup>11</sup> and to protect their private parts. That is purer for them. Indeed Allāh is well informed of what they do. Tell the believing women to lower their gazes and to protect their private parts”<sup>12</sup>**

Thus, in these passages there is a command from Allāh the Mighty and Exalted to both the believing men and women to lower their gazes. The command here indicates an obligation therefore it is forbidden for every Muslim man to look at what is not permitted for him from marriageable women or their appearances and it is said: “The glance is the harbinger of fornication”.

It is more proper for a Muslim to adopt the etiquettes of Islām and desist from what he has been forbidden. It is a shame that some of the people of the Time of Ignorance used to lower their gazes, here is 'Antarah saying:

*I lower my gaze as long as my female neighbour is visible to me,*

*Until her house conceals her*

It is a shame because many of the Muslims do not pay attention to this divinely legislated ruling and give full rein to their eyes. Many of them today search for these forbidden things to look at them, the one who indulges in these forbidden looks will not reap anything but preoccupation of the mind and thought and will sow for himself grief and regret.

A poet stated:

*If you send your eyes scouting*

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<sup>10</sup> Al-Isrā' (17): 36

<sup>11</sup> The idiom denotes, among other things; lowering, restraining and suppressing the sight. Refer to: Ibn Manzūr, *Lisān al-'Arab*, ed. 'Abd Allāh 'Alī al-Kabīr et al. Cairo: Dār al-Ma'ārif, vol. 5, p. 3266 and Ibn Fāris, Abu al-Ḥusayn Aḥmad (1399/1979), *Mu'jam Maqāyīs al-Lughah*, ed. 'Abd al-Salām Muḥammad Hārūn. (NP), vol. 4, p. 383 [TN].

<sup>12</sup> Al-Nūr (24): 30-31

*Your heart, one day, will make you follow the beheld*

*I have seen that which, not over all of it capable are you*

*nor over some of it are you patient*

It is for this reason Allāh the Mighty and Exalted threatens the one who misuses his eyes by looking at what is forbidden by saying:

**“He knows the fraud of the eyes”<sup>13</sup>**

Likewise, a number of traditions mention the noble Prophetic instruction to preserve one’s sight from forbidden matters:

1. From Abū Sa‘īd al-Khudrī رضي الله عنه who said the Messenger of Allāh صلوات الله عليه وآله وسالم said:

*“Beware of sitting on the roads”*

They replied: “O Messenger of Allāh! We have no choice but to sit there, we talk there”.

He said:

*“If you refuse, then give the road its due right”*

They asked: “What is the due right of the path O Messenger of Allāh?”

He said:

*“Lowering the gaze, withholding harm, responding to the greeting, commanding the good and forbidding the evil”<sup>14</sup>*

2. From Ibn ‘Abbās رضي الله عنه who said: “I have not seen anything with greater resemblance to *al-lamam*<sup>15</sup> than what Abū Hurayrah reported from the Prophet صلوات الله عليه وآله وسالم:

*“Indeed Allāh has written for the son of Ādam his portion of adultery which he will realise inevitably. The adultery of the eye is the look; adultery of the tongue is speaking. The soul wishes and craves and the private parts affirm that all or reject it”<sup>16</sup>*

<sup>13</sup> Al-Ghāfir (40): 19

<sup>14</sup> Reported by al-Bukhārī (2465) and Muslim (5563).

<sup>15</sup> Ibn Ḥajar states that it refers to a person being stricken by the desires of the soul. It is also said to refer to the perpetration of minor sins. Al-Rāghib stated that *al-lamam* refers to the perpetration of sin and that it is used as an expression for minor sins. Refer to: Al-Asqalānī, Aḥmad b. ‘Alī b. Ḥajr, (2000) *Fath al-Bārī Sharḥ Sahīh al-Bukhārī*, ed. ‘Abd al-‘Azīz b. Bāz. Riyāḍ: Dār al-Salām, vol. 11, p. 613 [TN]

<sup>16</sup> Reported by al-Bukhārī (6612) and Muslim (6753).

Al-Shanqītī may Allāh have mercy upon him stated:

“The point of evidence from it is his saying: ‘*The adultery of the eye is the look*’. Thus, applying the noun of adultery upon the eye looking at what is forbidden is a clear evidence of its prohibition and forbiddance of it”<sup>17</sup>

3. From Ibn 'Abbās who said: The Prophet ﷺ was riding with al-Fadl b. 'Abbās behind him on the riding animal on the Day of Nahr. al-Fadl was a handsome man, the Prophet ﷺ stopped for some people to deliver verdicts to them. A beautiful woman from Khath'am came up to him, seeking a verdict from the Messenger of Allāh ﷺ and al-Fadl began looking at her and was attracted by her beauty. The Prophet ﷺ turned around and al-Fadl was looking at her so he put his hand back and took al-Fadl's chin and turned his face away from looking at her. He then said:

*I saw a young man and young woman so I did not entrust them to the devil.*<sup>18</sup>

So this is the fundamental principle regarding looking which is absolutely impermissible in regards to looking at the forbidden, but what if a Muslim's gaze was to fall suddenly upon something prohibited for him to look at?

We say: Prophetic guidance has come in this regard, Jarīr b. 'Abd Allāh رضي الله عنهما said that he asked the Prophet ﷺ about the unexpected look. “He commanded me to avert my gaze”.<sup>19</sup>

From Buraydah رضي الله عنه who said the Messenger of Allāh ﷺ said to 'Alī رضي الله عنه:

*“O 'Alī, do not follow up one gaze with another, for you have the first but not the second”.*<sup>20</sup>

<sup>17</sup> *Adwā' al-Bayān* (6/191).

<sup>18</sup> Reported by al-Bukhārī (6228) and Muslim (3251).

The last sentence of the ḥadīth ‘*I saw a young man...*’ is not found in either of the two sources mentioned by al-Zuhayrī. The addition does occur in al-Tirmidhī no. 885 reported by 'Alī b. Abī Tālib with a ḥasan isnād according to al-Albānī and Shu'ayb al-Arnā'ūtī: Ibn Ḥanbal, Ahmad (1416/1995)*Musnad Ahmad b. Ḥanbal*, eds. Shu'ayb al-Arnā'ūtī and 'Adil Murshid. Beirut: Mu'assah al-Risālah, vol. 2, pp. 6-7, footnote 1.

On a side note: the translation provided in the 2007 Dāruṣṣalām English first edition of *Jāmi'* al-Tirmidhī vol. 2, p.298 states: “*I saw a young man and young woman, and they were not safe from shayṭān*”. This translation is inadequate. The Arabic is فَلَمْ آمِنْ أَمِنْ — يَأْمُنْ. In order for the Dāruṣṣalām translation to be correct the Arabic form of the verb would have to be in the dual present tense and jussive case (*muḍāri'* majzūm): فَلَمْ يَأْمُنْ. But of course as the reader can see it is in a different form i.e. آمِنْ. Furthermore ‘they were not safe **from**’ in the Arabic would include the preposition بِنْ and not عَلَى بِنْ. Thus we see the error in translation.

The translation I have provided in the text is more accurate because the verb form mentioned in the text is the first person singular present tense (understood as past tense due to the jussive particle م). If we conjugate the trilateral form أَمِنْ further, the first person present tense form is: آمِنْ. The word shayṭān is the object and the preposition عَلَى collocates with آمِنْ which according to Lane's Lexicon signifies: ‘*He trusted, or confided, in him with respect to such a thing; he intrusted him with or confided to him, power, authority, control, or a charge over it; he gave him charge over it...*’ Perhaps now the more linguistically capable reader can see the clear error in translation in the Dāruṣṣalām edition which divests the Prophet ﷺ of his active role in attempting to keep the two young people safe from shayṭān.

<sup>19</sup> Reported by Muslim (5744).

Lowering the gaze is not only for men but is also for women as the Might and Exalted stated:

**“Tell the believing women to lower their gazes”<sup>21</sup>**

Since this treatise is connected with the issue of looking, it is obligatory to know the limits of this looking and what is permitted and what is disallowed. Also, since it is permissible to look at the proposed after determining to propose to her, it is obligatory likewise to know the Sharī'ah evidences which allow this looking.

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<sup>20</sup> Reported by Abū Dāwūd (2148) and al-Tirmidhī (2777). The ḥadīth is ḥasan, refer to: al-Albānī, Muḥammad Nāṣir al-Dīn (1423/2002) *Ṣaḥīḥ Sunan Abū Dāwūd*. Kuwait: Mu'assasah Ghirās , vol. 6, pp. 364 -5, no. 1865 [TN].

<sup>21</sup> Refer to *Dhamm al-Hawā* of Ibn al-Jawzī.

## Chapter 2:

### Evidences Indicating Recommendation Of Looking At The Courted Woman

I. From al-Mughīrah b. Shu'bah ﷺ who said: "I proposed to a woman. The Prophet ﷺ asked me:

"Did you look at her?"

I replied:

"No".

He said:

"Look at her for it is better at inducing [...] between you both" <sup>22</sup>

The meaning of 'it is better at inducing [...] between you both' is that it is more suited to inducing **love** between you both.

Aḥmad and al-Bayhaqī made an addition.

So al-Mughīrah ﷺ said: "So I went to her and her parents were there while she was in her private quarter. I said: "The Messenger of Allāh ﷺ commanded me to look at her". He said: They both remained silent. The young girl then raised the side of the curtain and said: "I adjure if the Messenger of Allāh ﷺ ordered you to look then look at me but if he commanded you not to look then do not look at me".

He said: "So I looked at her and then married her. No woman has reached her status with me and I have married seventy odd women"”.

II. From Abū Hurayrah ﷺ who said: "I was with the Prophet ﷺ when a man came and informed him that he intended to marry woman from the Anṣār. The Messenger of Allāh ﷺ said to him:

"Did you look at her?"

He replied:

"No"

He said:

"Look at her for there is something in the eyes of the Anṣār" <sup>23</sup>

<sup>22</sup> Reported by: al-Nasā'ī (6/69-70), al-Tirmidhī (4/206), Ibn Mājah (1865 and 1866), al-Dārimī (2/59), Aḥmad (4/244-245 and 246), al-Bayhaqī (7/84-85) and al-Tirmidhī said: "This is a fair tradition".

<sup>23</sup> Reported by Muslim (1424), al-Nasā'ī (6/69), al-Taḥāwī in *Sharḥ Ma'ānī al-Āthār* (3/14) and al-Bayhaqī (7/84).

There has been disagreement over the *thing* which the Prophet ﷺ indicated to as to what it actually is. Al-Hāfiẓ said in al-Fath<sup>24</sup>: “In the narration of Abū ‘Awānah in his *Mustakhrāj* there occurs that it is *al-ṣighar* (smallness) so that is the reliable position”.

**III.** From Jābir b. ‘Abd Allāh رضي الله عنه who said the Messenger of Allāh ﷺ said:

*“If one of you proposes to a woman, if he is able to look at what will lead him to marry her then let him do so”*

He said: “So I proposed to a young woman and I used to hide myself from her to see of her what would lead me to marry her so I married her”.<sup>25</sup>

**IV.** From Sahl b. Abū Ḥathmāh who said: “I saw Muḥammad b. Maslamah رضي الله عنه tracking a woman with his eyes on a fenceless roof, she was called Thabītah bt. Al-Daḥḥāk the sister of Abū Jabīrah.

So I said to him: “You are doing this and you are a Companion of the Messenger of Allāh ﷺ ?!”

He replied: “Yes. The Messenger of Allāh ﷺ said:

*“When Allāh puts in the heart of a man a proposal for a woman, there is no harm in him looking at her”*<sup>26</sup>

**V.** From Abū Ḥumayd رضي الله عنه who had seen the Prophet ﷺ said: “The Messenger of Allāh ﷺ said:

*“When one of you proposes to a woman, there is no harm on him to look at her; if that is the case he can only look at her for the proposal even if she is unaware”*<sup>27</sup>

**VI.** From ‘Ā’ishah who said: “The Messenger of Allāh ﷺ told me:

*“You were shown to me in a dream, an angel came with you in a piece of silken cloth and said to me: This is your wife. I moved the cloth from your face and behold it was you so I said: If this is from Allāh it will surely be”*<sup>28</sup>

Al-Hāfiẓ stated in al-Fath (9/182):

“Drawing upon it – i.e. the ḥadīth – in summary is that looking at the woman before the contract has a benefit which returns back to the contract”.

Al-Bukhārī also placed a heading for the chapter by saying: “Chapter: Looking at the Woman before the Marriage”.

<sup>24</sup> 9/181

<sup>25</sup> Reported by Ahmād (3/334 and 360), Abū Dāwud (2082), al-Tahāwī in *Sharḥ Ma’ānī al-Āthār* (3/14) and al-Bayhaqī (7/84).

<sup>26</sup> Reported by Ahmād (4/225), Ibn Mājah (1864), al-Tahāwī (3/14) and al-Bayhaqī (7/85).

<sup>27</sup> reported by Ahmād (5/424) and al-Tahāwī (3/14).

<sup>28</sup> Reported by al-Bukhārī (25/5) and Muslim (2438).

VII. From Sahl b. Sa' d رضي الله عنه who said: A woman came to the Messenger of Allāh ﷺ and said: 'O Messenger of Allāh I have come to you to give myself to you [in marriage]'. He looked at her up and down and then lowered his head...<sup>29</sup>

Al-Bukhārī placed a heading for this chapter when he stated: "Chapter: Looking at a Woman before Marriage".

Al-Hāfiẓ b. Ḥajr stated: "The point of evidence from it – i.e. the ḥadīth – for the heading is his saying: so he looked her up and down"

Al-Nawawī stated: "This contains an evidence for the permissibility of looking for one who wants to marry and to closely examine her".

Thus: these are seven evidences which have come from the Prophet ﷺ recommending looking at the proposed, so can anyone come before the Messenger of Allāh ﷺ and prevent the proposer from this viewing which the Sharī'ah has provided?!

Furthermore, these evidences were understood by the Pious Forebears, may Allāh be pleased with them, who implemented them on themselves and they are without doubt loftier in religion, and greater in piety than us. Despite this we find them acting by these evidences and this was not except for their knowledge that every good and prosperity and success is in the guidance of the Prophet ﷺ.

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<sup>29</sup> Reported by al-Bukhārī (5126) and Muslim (1425).

## Chapter 3:

### Companions Who Implemented These Evidences

The Companions of the Messenger of Allāh ﷺ were an example of compliance and an example in being far from desires and innovations. They were not capable of opposing a command ordered by him ﷺ which is why we find narrations have come from some of them implementing these evidences when viewing the proposed when one of them was determined to marry. This was to let one who came after them be aware that they were the first and quickest people to implement the Sunnah of their noble Messenger ﷺ. Amongst the blameworthy piety is what some Muslims have innovated in terms of preventing this viewing which the traditions of the Messenger of Allāh ﷺ have brought and which his pious Companions رضي الله عنه about them implemented.

It has already been established that this viewing has a major impact in perpetuating married life and we continue to hear about numerous tragedies and many cases of divorce between those who married without applying the advice of the noble Messenger ﷺ which contains every good for all parties: the young man, the young woman and the family of the girl.

Below is a mention of those who those who implemented this Sunnah:

- Al-Mughīrah b. Shu'bah رضي الله عنه<sup>30</sup>:

He proposed to a young woman and had not seen her so the Messenger ﷺ ordered him to see her. He went to her family and informed them of what he ﷺ had commanded him with but her parents were uncomfortable with that. However, the young woman was listening from behind the curtain so she lifted a corner of it and told al-Mughīrah رضي الله عنه: if the Prophet ﷺ had commanded him to look at me then look. So he said that he looked at her and then married her.

- Jābir b. 'Abd Allāh رضي الله عنه<sup>31</sup>

When he proposed to a woman from Banī Salamah he would hide from her in the branches of palm trees to look at her until he saw from her what pleased him so he married her.

- Muhammad b. Maslamah رضي الله عنه<sup>32</sup>

A friend of his saw him tracking a woman he wanted to propose to by watching her closely.

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<sup>30</sup> As in the first evidence.

<sup>31</sup> As per the third evidence.

<sup>32</sup> As per the fourth evidence.

## **Does the woman have to know if she is being watched?**

The judgement on this particular issue – as with all others – is to refer to the Book of Allāh the Mighty and Exalted and to the Sunnah of His Prophet ﷺ and the Muslim has nothing other than that.

By referring to the Sunnah of the Prophet ﷺ we find he ﷺ allowed looking at the proposed without her knowledge and her permission.

On the authority of Abū Ḥamīd ṣa who said: The Messenger of Allāh ﷺ said:

*“When one of you proposes to a woman, there is no harm on him to look at her if he is only looking at her for his marriage proposal even if she is unaware”*<sup>33</sup>.

These two noble Companions Jābir b. ‘Abd Allāh ṣa and Muḥammad b. Maslamah ṣa would both hide in palm trees to see their respected courted woman without her knowledge or her permission.

There is nothing clearer or more indicative than the statement of the Messenger ﷺ: “*Even if she is unaware*” especially when it is supported by the action of some of the Companions in this regard.

Al-Nawawī stated:

“Our school of law and that of Mālik, Ahmad and the multitudes is that her consent is not stipulated for the permission of this viewing, rather he has the right to that while she is unaware and without prior notification. However Mālik said: “I dislike his looking while she is unaware for fear of his sight falling on her private parts”. There is also a weak report from Mālik that one cannot look at her without her permission and this is weak because the Prophet ﷺ had permitted that without any restrictions and he did not stipulate her consent”<sup>34</sup>

Al-Hāfiẓ said in al-Fath<sup>35</sup>:

“The majority say that it is permissible to look at her if he wants that without her permission whilst Mālik has a narration that her permission is stipulated”.

Al-Manāwī said about his saying: “*Even if she is unaware*”:

“It means even if she does not know that he is looking at her such as observing her through an aperture while she is unaware..., and this contains a refutation of the one who dislikes the fact she is unaware such as Mālik and it invalidates the stipulation for her consent”<sup>36</sup>.

<sup>33</sup> Reported by Ahmad (5/424) and al-Tahāwī in Sharḥ Ma’ānī al-Āthār (3/14).

<sup>34</sup> Sharḥ Ṣaḥīḥ Muslim (9/222).

<sup>35</sup> (9/182)

Ibn Qudāmah said<sup>37</sup>:

“There is no harm in looking at her with or without her permission because the Prophet ﷺ commanded us to look and left it unrestricted and in the ḥadīth of Jābir رضي الله عنه: “So I used to hide from her” and in the ḥadīth from al-Mughīrah رضي الله عنه that he sought the permission of her parents to look at her which they disliked but the courted woman allowed that for him”

Ibn Ḥazm said<sup>38</sup>:

“Whoever wants to marry a woman, he must look at her whether she is aware or not”

Al-Shawkānī stated:

“The apparent meaning of the traditions is that it is permissible for him to look at her with or without her permission”<sup>39</sup>

With this, there is no harm if Allāh wills, upon the one who is resolved to propose to a woman to look at her without her knowing. This is by acting upon the statement of the Prophet ﷺ: “Even if she is unaware” and just as the reports from the leading scholars exist in large numbers. Allāh knows best.

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<sup>36</sup> *Fayd al-Qadīr* (1/335)

<sup>37</sup> *Al-Mughīrah* (7/453)

<sup>38</sup> *Al-Muḥallā* (10/30-31)

<sup>39</sup> *Nayl al-Awṭār* (6/111)

## **Chapter 4:**

### **What Can The Suitor See Of The Courted Woman?**

We know that Islām has allowed the proposer to look at the proposed so we must know the boundaries of this looking and the parts of the proposed at which it is permissible to look.

So we say: disagreement has occurred between the scholars regarding the place which is permissible to look at and the most important of these views are:

#### **First:**

It is permissible for the man to see the face and hands<sup>40</sup>. This is the view of the majority and one of the narrations from Imām Aḥmad.

#### **Second:**

Looking at all of the body and this is the view of Dāwud<sup>41</sup> and there is a text from Imām Aḥmad that he allowed looking at her undressed.

#### **Third:**

Looking at what is exposed in most cases such as the neck, lower part of the leg and the like. This is a narration from Aḥmad and in a narration from Ḥanbal from him: there is no harm in looking at her and at what would lead him to marry her such as her hand or body and the like. Ibn al-Jawzī said: “The text from Aḥmad allowing the man to look at the woman what would lead him to marry her which is the ‘awrah indicates what is more than the face”.

#### **Fourth:**

Looking at the fleshed places<sup>42</sup> and this is the view of al-Awzā’ī.

In summary these are the most prominent views and there are other views which I believe do not fall outside of the views which I have mentioned.

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<sup>40</sup> Al-Ṣan’ānī states that the wisdom behind looking at the face and hands is that one is able to gauge her beauty or lack thereof by looking at her face and the hands indicate the degree of her bodily fertility. Refer to *Subul al-Salām*, vol. 3, part. 6, p. 15. With regards to the face then it is quite obvious as for the hands, there is some contemporary scientific research to suggest that women with index fingers longer than their ring fingers are more fertile, for a summary of the research refer to: <http://news.bbc.co.uk/1/hi/4314209.stm>. I am unsure as to what method al-Ṣan’ānī used to substantiate his view [TN].

<sup>41</sup> Dāwud al-Zāhirī (the Literalist) was the eponym of the literalist school of law which existed during the second century of Islām. He placed great emphasis on the complete and utter literalist interpretation of textual sources however bizarre they may have seemed. He also rejected qiyās as an accepted form of evidence in the principles of Islāmic jurisprudence [TN].

<sup>42</sup> I’m unsure as to al-Awzā’ī’s exact intent which is why I have translated it as literally as possible [TN].

## The Strongest View

The view closest to the truth from these opinions is the third view<sup>43</sup>. The reality is that restricting the ahādīth of looking to the face and hands is without evidence as is the view of looking at her undressed or at the rest of her body. The words of the Messenger ﷺ: “Look at her” do not support those who hold this view according to how they have understood it except if they were to report to us that the Muslim woman used to walk around naked in the Islamic society!!! Or they said that it is permissible to bring it to her attention and look at her in the baths!!!

However, Ibn Qudāmah stated:

“The point of allowing one to look at what is usually visible is that when the Prophet ﷺ permitted looking at her without her knowledge he knew that he was permitting to look at all of what is visible customarily since it is not possible to single out the face when looking without including other than it which is apparent and also because it is usually visible. Thus, looking has been permitted such as at the face and because of the fact she is a woman it has been permitted for him to look at her by the command of the Legislator. So it is permitted for him to look of her similar to what her unmarriageable relatives are permitted to see”<sup>44</sup>

It is impossible for one to argue that Jābir b. ‘Abd Allāh ﷺ or Muḥammad b. Maslamah ﷺ hid themselves from the courted women [only] to see the proposed woman’s face and hands. There is no doubt that the Companions’ understanding of the Prophet’s ﷺ words is more deserving than the understanding of others<sup>45</sup>, just as the feet and neck and the like are usually visible of a woman especially if she is not expecting one to be looking at her.

This is what is permitted in terms of his viewing and the requirement of seeing all the parts of the woman is not necessary<sup>46</sup>.

<sup>43</sup> i.e. looking at what is exposed in most cases such as the neck and lower part of the legs [TN].

<sup>44</sup> *Al-Mughnī* (7/454)

<sup>45</sup> And this is the essence of Salafiyyah [TN].

<sup>46</sup> In a question posed to Imām Al-Albānī by his student Sh. ‘Alī b. Ḥasan al-Halabī regarding the legislated amount of the courted woman one can see he replied:

“There are two types of viewing:

[i] A viewing agreed with the girl and her guardian and not the girl alone!

In this type of viewing it is impermissible to see of her except what is seen of her when she goes out of her house to the market in the street...i.e. her face and hands only.

[ii] The viewing without the knowledge of the woman

This type of viewing can be called a legislated stealing! It is when the proposer looks at the one he wishes to marry so he looks at her when it is possible to see her while she is unaware of him. This is possible in specific situations without the prior agreement as has been established from one of the Companions that he was seen looking at a woman on the roof of her house i.e. the surface on which the washed clothes are spread out. It may be that something of the woman can be seen if looked at; part of her arm, neck, head and hair.

So if he is a stranger not proposing then here applies His saying – Blessed and Most High – “Tell the believing men to lower their gazes” [al-Nūr: 30]....[continued on next page]

In summary, these points do not contradict the saying of the Prophet ﷺ:

*"When one of you proposes to a woman and he is able to see of her some of what will lead him to marry her then let him do so"*

Neither does it contradict his saying:

*"Look at her".*

After we have come to know what is permitted for the proposer to look at we will now move on to knowing how to accomplish this viewing.

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If however he has a desire to marry her, he is permitted to look at her with the aim that if he is impressed by her he marries her otherwise not. It is here the other ḥadīth of al-Mughīrah b. Shu'bah ﷺ occurs; when he mentioned to the Prophet ﷺ he was intending to marry an Anṣārī woman so he said to him: *"Did you look at her; for indeed there is something in the eyes of the Anṣār"* and in another wording 'a blemish'. He said: "So I looked at her and married her and found good and blessing in her."

From: 'Alī b. Hasan al-Ḥalabī (1430/2009) *Su'ālāt 'Alī b. Hasan b. 'Abd al-Hamīd al-Ḥalabī al-Aṭharī li Shaykhīh al-Imām al-'Allāmah al-Muḥaddith al-Faqīh al-Shaykh Muḥammad Nāṣir al-Dīn al-Albānī Raḥimahullāh*. Makkah: Dār 'Abd Allāh BūBakr Barakāt, vol. 2, pp.445-446 [TN].

## Chapter 5:

### How Is This Viewing Accomplished?

When the Prophet ﷺ ordered the viewing of the proposed he did not define a specific mode nor did he provide a specific description of this viewing, he only stated: “*Look at her*”. This is an unrestricted text and nothing has come to restrict it so this viewing is accomplished according to what is easy for the proposer. However, there is one condition which is [that it be done] without legislated prohibitions such as private meetings, shaking hands or those things which the Legislation has prohibited.

Here we have Jābir b. ‘Abd Allāh رضي الله عنه who used to conceal himself from the courted woman to see of her what would lead him to marry her and Muḥammad b. Maslamah رضي الله عنه acted likewise.

We also have al-Mughīrah b. Shu‘bah رضي الله عنه who, when the noble Messenger ﷺ commanded him to look at the courted woman he went to her and saw her in the presence of her parents.

This indicates that the mode [of viewing] has not been mentioned by a legislated text which we can adhere to and consider being correct and other than which to be impermissible. The general principle is to undertake this viewing without opposing the divine legislation, as for the mode then this is left to the people<sup>47</sup>.

The way in which this viewing is fully accomplished – in my view – is for the proposer to go to the house of the proposed, sit with her in the presence of one of her unmarriageable relatives [mahram] for in this manner he will be able to see of her what would lead him to marry her in terms of her face, hands and shape. Additionally it would allow him to speak to her and get to know the degree of her religiousness, speech and intelligence.

This also makes it possible for her to see him and to know his religion as much as she can because she will see his appearance and will know the degree to which he adheres to the Prophetic Sunnah for many amongst the Muslim men today shave their beards, wear their garments below their ankles and wear gold. The woman’s guardian may find this type of person agreeable and since the permission of the woman in marriage is considered it is known that it is built upon her right to see the proposer for how will she express her opinion [otherwise]?!

What some do today in that the woman [merely] passes in front of the man, even though it is less harmful and better than not being able to see her at all, the problem is that it overlooks the whole point of the viewing for the Prophet ﷺ said:

*“Look at her for there is something in the eyes of the Anṣār”*

This looking<sup>48</sup> is not accomplished in the manner described above since the man does not get to know anything about her except her height. Similarly they prohibit the young woman from her right to see him also.

<sup>47</sup> This is in line with the principle that the general expression is left unrestricted and unqualified unless evidence is brought to limit its generality [TN].

<sup>48</sup> i.e. a careful look, similar to how the Prophet ﷺ looked carefully at the woman who proposed to him ﷺ [TN].

'Abd al-Razzāq narrated from 'Umar b. al-Khaṭṭāb رضي الله عنه:

"One of you takes his daughter and then marries him to an ugly man!! Indeed they love what you love meaning if her husband is unsightly she will hate that which is hated and she would have disobeyed Allāh in it"<sup>49</sup>

Al-Bukhārī has the statement:

### **“Chapter: Looking at the Woman”**

Al-Qastalānī added: “**And the woman at the man**”.

He then said:

“And for each – i.e. the man and woman – one can look at the other”

This mode which I have mentioned is not the only manner of viewing the proposed however it is a way in which the viewing is accomplished in a protected and chaste environment.<sup>50</sup>

After this viewing is accomplished, however that may be, as long as it is within the framework of the pure Law, the question to ask is if there is a limited number of times which must be adhered to which the Legislator has stated?

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<sup>49</sup> *Al-Muṣannaf* (6/158-159/10339) with a sound chain.

<sup>50</sup> There is a view held by some that it is permissible to lift the gown of the woman to see her lower legs without her permission.

The evidence used by such individuals is a story narrated in the *Muṣannaf* of 'Abd al-Razzāq and the *Sunan* of Sa'īd b. Mansūr in which 'Umar sought Umm Kulthūm, the daughter of 'Alī's hand in marriage. When 'Alī sent her to him he is said to have been pleased with her and lifted her skirt to see her lower legs. However there are a number of problems in using this incident as evidence for the above mentioned practice from the point of view of its authenticity and also juridical deduction.

Firstly, after investigating the chain of narration for the reports mentioned in the above two sources, one notices that they stop at Abū Ja'far Muḥammad b. 'Alī b. al-Ḥusayn. Although the chains up to and including him are reliable the fact is that he did not meet 'Umar b. al-Khaṭṭāb because the Amīr al-Mu'minīn died in 23AH and Abū Ja'far was not born until 56AH so the chains of the report in these two sources are *munqaṭi'* (severed).

Secondly, with regards to problems in their juridical deductions:

[i] Umm Kulthūm was a little girl when 'Umar asked 'Alī for her hand in marriage according to the report in *al-Muṣannaf*. The author of the *Muṣannaf* included the reports under the heading of marrying young girls and the first tradition he relates under this heading is the marriage of 'A'ishah to the Prophet ﷺ at the age of 6. This indicates that 'Abd al-Razzāq interpreted the word 'young' to mean below the age of puberty. Accordingly if for argument's sake 'Umar did lift her skirt to see her lower leg there would not have been an issue as the Sharī'ah rulings related to the stringency of dress code for young girls are not the same for pubescent girls. Additionally, one could argue it would have been uncharacteristic of 'Umar to have done something like this for it was due to his advice the verses relating to the ḥijāb of the Prophet's wives were revealed. Thus his protective jealousy (ghīrah) is well known.

[ii] One can also argue that when 'Umar looked he was essentially looking at his wife because 'Alī is reported to have stated that if 'Umar was pleased with her on first appearance then he has married his daughter to him. The report in *al-Muṣannaf* states clearly that 'Umar was happy with her and only then looked at her legs.

Consequently this particular evidence cannot be used by individuals to argue that one is allowed to look at the lower leg of the woman or any other part of her body for that matter at the proposal meeting apart from her face and hands. And Allāh knows best [TN].

## **Chapter 6:**

### **Is The Viewing Restricted To A Certain Number?**

It is necessary for the proposer to know that the courted woman is still forbidden for him so it is not permissible for him neither to be in privacy with her nor to shake hands with her because the Law did not mention other than looking. So it is necessary for him to look at her and to repeat the glances and think about her good qualities because the objective is not realised except through this. However, he must look neither with pleasure and desire nor with suspicion<sup>51</sup>.

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<sup>51</sup> Refer to *al-Mughnī* of Ibn Qudāmah (7/453).

Once the man or woman after having looked at each other is happy with the physical appearance of the other party they should cease to look at each other further. This is because once the objective is reached i.e. satisfaction with the physical appearance, the concession to look at each other ends [TN].

## Chapter 7:

### Benefits Of Viewing The Courted Woman

Islām did not legislate any law except that there are benefits behind it, and innumerable benefits for the Muslim society. Whoever adopts what Islām has legislated will live a happy life in this world and the next. From the legislation of Islām with regards to the matters of marriage is to look at the courted woman and this viewing has a number of great advantages:

#### Firstly: Perpetuity of love between the spouses

It was in this vein the Prophetic direction came when he said to al-Mughīrah b. Shu'bah ﷺ: “*Look at her for it is better at inducing [love] between you both*”. The blessing of adherence becomes clear here and that it is the path to true happiness so when al-Mughīrah ﷺ looked at her and then married her he said: “No woman has reached her status with me and I have married seventy odd women!”

Shaykh al-Islām Ibn Taymiyyah said:

“The Legislator permitted, rather loved for him to look at the proposed woman, and he said: “*When Allāh puts in the heart of you to propose to a woman then let him look at her for it is better at inducing [love] between you both*” and he said to the one who proposed to a woman from the Anṣār: “*Look at her for there is something in the eyes of the Anṣār*” and his saying: “*It is better at inducing [love] between you both*” indicates that if he becomes acquainted with her before the marriage love will endure”<sup>52</sup>

#### Secondly: Both partners avoiding defects one dislikes of the other

In looking one can note the apparent defect which may be found on the face, eyes or limbs. As for the defects which are found in the body, whether from the man or woman, by which the marriage is turned down and which is hidden from the sight of the other then it is a trust which is necessary for the person to explain that and not hide it.

So if the man sees a defect in the woman [during the meeting] he leaves her before marrying her and does not burden himself with trying to adapt to this defect after marriage. It may be that the defect may lead him to divorce the woman and there is no doubt that leaving her after viewing her is easier on her than divorcing her on the night wedding or after a few nights.

It is important to note here that what might be a defect for one person may not be for another. For this reason it is incumbent upon the proposer to know that this viewing has been made permissible for him by the Law of Allāh the Mighty and Exalted. Thus it is obligatory upon him if he turns down the woman and leaves her that he does not mention her with anything in front of people, for looking has been permitted for him but backbiting has been forbidden.

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<sup>52</sup> Al-Fatāwā (29/354-355).

### **Thirdly: Following the Sunnah of the Prophet ﷺ<sup>53</sup>**

This is because looking is an established Sunnah by the text of the ḥadīth of the Messenger of Allāh ﷺ so whoever acts upon it with this intention there is no doubt that he will be happy in this life and the next.<sup>54</sup>

As for his happiness in this life it is because he will have entered in to this matter on clarity.

As for his happiness in the next life it is because of the reward if Allāh wills and just as the Prophet ﷺ stated:

*“Actions are only by intentions”<sup>55</sup>*

### **Fourthly: Completing the marriage on clarity and without one blaming the other**

This is because when the proposer sees the courted woman and he becomes attracted to her and marries her he would have charged himself with the responsibility so there is no place after that for his regret or dissatisfaction with this wife in that she is tall or short, beautiful or unsightly. Nor will he be able to blame the family of his wife because they concealed her from him before the marriage and did not inform him of her defects such that he is traumatised by her after the marriage. Likewise, he will be unable to find in himself anything against one of his unmarriageable relatives who saw the woman [on his behalf] and did not report a sufficient description to him or other than that. So, all of these excuses will have no ground with a Sharī’ah viewing.

Similarly, if the woman saw him and accepted him as a husband she will live with him in happiness with the permission of Allāh the Most High. She will not feel that her family oppressed her and prevented her from her right to see the prospective husband and because women love about men what men love about women.

These are the most important benefits of looking, and with that ends this treatise which I ask Allāh the Mighty and Exalted to make it beneficial.

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<sup>53</sup> Perhaps it would have been more appropriate to have mentioned this as the first point [TN].

<sup>54</sup> And also because it is as one of the Salaf once said: “The Sunnah in this life is like Jannah in the next” [TN].

<sup>55</sup> Bukhārī (1 and *passim*) and Muslim (1907) et al [TN].

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al-Muṣannaf ’Abd al-Razzāq

Musnad Imām Aḥmad

Subul al-Salām by al-Ṣan’ānī

Ṣaḥīḥ al-Bukhārī

Ṣaḥīḥ Muslim

Sharḥ Ṣaḥīḥ Muslim by al-Nawawī

Sharḥ Ma’ānī al-Āthār by al-Ṭahāwī

Sunan Ibn Mājah

Sunan al-Tirmidhī

Sunan Abū Dāwūd

Sunan al-Bayhaqī

